

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE THOMAS WARNICKE (P47148)

Misc. Case No. 22-51135

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ORDER TO SHOW CAUSE

This Miscellaneous Case was opened after attorney Thomas Warnicke (P47148) (“Warnicke”) was suspended from the United States District Court for the Western District of Michigan Bar from the practice of law until such time as the money judgment is paid in full in Case No. 18-CV-01261, effective May 26, 2022.

Rule 83.22 of the Local Rules for the United States District Court for the District of Michigan governs attorney discipline. E.D. Mich. LR 83.22(g) applies here, because “Discipline by Other Jurisdictions” is at issue. Local Rule 83.22(g) provides that upon “receipt of written notice that another jurisdiction imposed discipline against an attorney admitted to practice in this court, the chief judge will enter an order imposing the same discipline, effective as of the date that the discipline was effective in the other jurisdiction.” E.D. Mich. LR 83.22(g)(1)(A). It further provides that “[i]f the order of discipline *includes a period of suspension* or disbarment, an attorney may be reinstated to this court *only by application pursuant to LR 83.22(i)(1).*” (*Id.*) (emphasis added).

Thus, on July 11, 2022 an “Order Of Suspension” was issued in this case, suspending Warnicke from the practice of law before the United States District Court and the United States Bankruptcy Court for the Eastern District of Michigan, pursuant to E.D. Mich. LR 83.22. (*See* ECF No. 2). The Order of Suspension explains that “Reinstatement by the United States District

Court is not reciprocal to any reinstatement issued by any Attorney Discipline Board” and that “Local Rule 83.22(i) governs reinstatement in the United States District Court.” (*Id.*).

Although the order of discipline imposed against Warnicke by the Western District *includes a period of suspension*, Warnicke filed an Application to Modify or Vacate Order of Discipline.¹ (ECF No. 6). Then, on August 16, 2022, Warnicke filed a “Supplemental Brief” wherein he advises that he has since been readmitted to the practice of law in the Western District.

The Court hereby **ORDERS** Warnicke to **SHOW CAUSE, in writing, no later than September 6, 2022**, why the undersigned should not **DENY** his motion in light of the above language in Local Rule 83.22(g)(1)(A), as it appears that Warnicke may only be reinstated by application pursuant to Local Rule 82.33(i)(1), that would be assigned to a three-judge panel.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
Chief Judge
United States District Court for the Eastern
District of Michigan

Dated: August 26, 2022

¹That application is based upon Local Rule 83.22(g)(2), that allows a court to modify or vacate a reciprocal order of discipline under very narrow circumstances – where it “clearly appears” that: 1) “the procedure in the other jurisdiction constituted a deprivation of due process;” or 2) “there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not accept as final the conclusion on that subject;” or 3) “imposing the same discipline in this court would result in grave injustice;” or 4) “the misconduct warrants substantially different discipline.”